

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. OSH 2003-19
	)	
DIRECTOR, DEPARTMENT OF LABOR	)	ORDER NO. 78
AND INDUSTRIAL RELATIONS,	)	
	)	PRETRIAL ORDER
Complainant,	)	
	)	
vs.	)	
	)	
THE HOME DEPOT,	)	
	)	
Respondent.	)	

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PRETRIAL ORDER

Pursuant to the representations of counsel for the parties at the initial conference held on November 21, 2003, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
  - a. Whether Respondent violated 29 CFR 1910.176(b) as described in Citation 1, Item 1.
    - 1). If so, is the characterization of the violation as "serious" appropriate? If not, what is the appropriate characterization?
    - 2). If so, was the imposition and amount of the proposed \$1,500.00 penalty appropriate?
  - b. Whether Respondent violated 29 CFR 1904.40(a) as described in Citation 2, Item 1.
  - c. Whether Respondent violated 29 CFR 1910.136(a) as described in Citation 2, Item 2.
2. A settlement conference is scheduled on January 30, 2004 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
3. Trial is scheduled on March 2 - 3, 2004 at 9:30 a.m. in the above-mentioned hearing room.

4. Discovery deadlines are established as follows:
- a. Live witness identification;  
exchange of expert witness  
reports January 6, 2004
  - b. Discovery cut-off January 27, 2004
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, November 25, 2003.

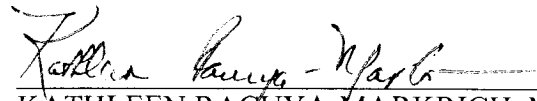
HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member



KATHLEEN RAQUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Leo B. Young, Deputy Attorney General  
Larry M. Kazanjian, Esq.